

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

NIDEC MOTOR CORPORATION, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )                      Case No. 4:16-cv-00399-JAR  
                                )  
BROAD OCEAN MOTOR LLC, et al., )  
                                )  
Defendants.                 )  
                                )

**MEMORANDUM AND ORDER**

On May 10, 2016, the Court stayed this matter pending the resolution of three petitions for inter partes review (“IPR”) that were pending before the United States Patent and Trademark Office (“USPTO”) at that time. In the IPR petitions, certain Defendants challenged the validity of three patents that are involved in this case: U.S. Patent No. 5,818,194 (“the ‘194 Patent”), U.S. Patent No. 7,990,092 (“the ‘092 Patent”), and U.S. Patent No. 8,049,459 (“the ‘459 Patent”) (Doc. 93). The parties have since notified the Court of the following activity in the USPTO proceedings. First, as to the ‘194 Patent, the USPTO declined to institute IPR proceedings against the challenged claims. Second, the USPTO declined to institute IPR proceedings against challenged claims 1 through 6 of the ‘092 Patent, and issued a written decision holding that the invalidity of challenged claims 7 through 13 of the ‘092 Patent had not been established by a preponderance of the evidence. Third, as to the ‘459 Patent, the USPTO issued a final written decision holding that claims 1, 3, and 7 and asserted claim 18 were invalid, and that the invalidity of claim 2 had not been established by a preponderance of the evidence (Docs. 94, 97, 101). In a joint status report filed with the Court on April 25, 2017, the parties state that the

USPTO's written decision regarding the invalidity of challenged claims 7 through 13 of the '092 Patent has been appealed to the United States Court of Appeals for the Federal Circuit (Doc. 101). The parties request that the Court extend the stay in this case until such time as the Federal Circuit resolves that appeal (*Id.*). The Court concludes that it would be in the interest of judicial economy to continue the stay in this matter pending resolution of Defendants' appeal by the Federal Circuit. Given the uncertainty as to when Defendants' appeal will be finally resolved, the Court will also instruct the Clerk to administratively close this case, and direct the parties to notify the Court in writing no later than seven (7) days after the Federal Circuit resolves Defendants' appeal.

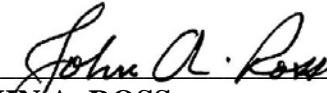
Accordingly,

**IT IS HEREBY ORDERED** that this case shall continue to be **STAYED**.

**IT IS FURTHER ORDERED** that the Clerk of the Court is directed to administratively close this case.

**IT IS FINALLY ORDERED** that the parties are directed to notify the Court no later than seven (7) days after the United States Court of Appeals for the Federal Circuit issues a decision in Defendants' appeal, see Broad Ocean Technologies, LLC v. Nidec Motor Corp., No. 17-1933 (Fed. Cir.).

Dated this 25th day of April, 2017.

  
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**JOHN A. ROSS**  
**UNITED STATES DISTRICT JUDGE**